



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

CV14-040

Application Number: CV14-040 / 14315-0000-00526
Date Received: 7/29/14
Application Accepted By: S. Pine Fee: \$1760
Comments: Assigned to Eliza Thrush elcthrush@columbus.gov
045-1341

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 4109 N. HIGH STREET Zip 43214
Is this property currently being annexed into the City of Columbus Yes No
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-071204
 Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): C-4

Civic Association or Area Commission: CLINTONVILLE AREA COMMISSION

Proposed use or reason for Council Variance request: CONDOMINIUMS + RESTAURANT (3356.03), PARKING
SETBACK (3312.27), BUILDING SETBACKS (3356.11), VISIBILITY
TRIANGLE (3321.05,0,2) + PARKING COUNT (3312.47)

Acreage: 1.274 AC.

APPLICANT: Name RICKARD ALAN SICKER c/o RAS CIVIL ENGINEERING, LLC
Address 4284 TULLER ROAD City/State DUBLIN, OHIO Zip 43017
Phone # (614) 581-8504 Fax # (614) 761-0717 Email: RICK_SICKER@ATT.NET

PROPERTY OWNER(S): Name A-Z INVESTMENT PROPERTIES, PHILIP E. ABSI
Address 3790 SOUTH OLD BC ROAD City/State GALENA, OHIO Zip 43021
Phone # 740-965-3790 Fax # 614-263-1860 Email: gabsi@peabsi.com
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT Attorney Agent
Name _____
Address _____ City/State _____ Zip _____
Phone # _____ Fax # _____ Email: _____

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)
APPLICANT SIGNATURE [Signature]
PROPERTY OWNER SIGNATURE [Signature]
ATTORNEY / AGENT SIGNATURE _____

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer



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CN14-040

STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code
Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of Public Streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:

Four Hardships exist for this project:

- 1) The existing topography doesn't allow for feasible development of the entire southwest corner of the site. This pushes the developable area forward, which also allows for maintaining natural features in the southwest corner as we have been told is desirable to the neighborhood.
- 2) Proposed development cannot conform to existing zoning district or any existing zoning district established by the zoning code.
- 3) When the existing culvert was constructed on the site by the previous owner, they failed to compact the soil properly. The building locations need to be at maximum virgin soil.
- 4) Unlike many commercial sites on high street, the subject does not currently fall within the overlay which would allow for many of the proposed variances including reduced building setback and parking. We have been told that it is desirable to the neighborhood to meet as many of the overlay district requirements as feasible.

Signature of Applicant

Bubal Alan Suler

Date

7/29/14

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CV14-040

RAS Civil Engineering, LLC

Narrative

4254 Tuller Road ♦ Dublin ♦ Ohio ♦ 43017
614-581-8504 ♦ www.RASCivilEngineering.com

To: Shannon L. Pine
From: Rick Sicker
Date: July 28, 2014
Subject: 4109 North High Street – Council Variance

We are requested variances from the following Columbus Zoning Codes/Sections:

3356.03: to allow a Residential Use (5 – 7 condominiums) to exist within a C-4 zoning. A Restaurant will also be on the site, which is permitted in C-4.

3356.11 A.2: to reduce the building setback along High Street from 60' to 0' and to reduce the building setback along Crosswell Road from 30' to 0' as currently permitted in the overlay district.

3312.27: to reduce the parking setback along High Street and Crosswell Road from 25' to 0' as currently permitted in the overlay district.

3312.49 C: to reduce the parking requirement for a restaurant to be reduced by 25% as currently permitted in the overlay district.

3321.05 B.2: to reduce the vision clearance at the intersection of High Street and Crosswell Road from 30' to 0' as currently permitted in the overlay district.

3312.05 A.1: to reduce the clear vision triangle from 10' to 0' at the driveways.



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV 14-040

STATE OF OHIO _____

COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME RICKARD ALAN SICKER
of (1) MAILING ADDRESS 2AS CIVIL ENGINEERING, 4254 TULLER ROAD, DUBLIN, OH 43017

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per CERTIFIED ADDRESS FOR ZONING PURPOSES 4109 N. HIGH STREET, COLUMBUS, OH 43214
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) July 29, 2014

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS

(4) A-Z INVESTMENT PROPERTIES, LTD.
(PHILIP E. ABSI)
3790 SOUTH OLD 3C ROAD
GALENA, OH 43021

APPLICANT'S NAME AND PHONE # (same as listed on front of application)

RICKARD ALAN SICKER
(614) 581-8504

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) CLINTONVILLE AREA COMMISSION
DANA BAGWELL, ZONING CHAIR
3909 N. HIGH ST., COLS, OH 43214

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property(7)

(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8) *Rickard Alan Sicker*

Subscribed to me in my presence and before me this 28th day of JULY, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) *Victor M. Lopez*
12-25-2014

My Commission Expires



Victor M. Lopez
Notary Public, State of Ohio
My Commission Expires 12-25-2018

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APPLICANT

RICKARD ALAN SICKER
RAS CIVIL ENGINEERING, LLC
4254 TULLER ROAD
DUBLIN, OHIO 43017

PROPERTY OWNER

A-Z INVESTMENT PROPERTIES
PHILIP E. ABSI
3790 SOUTH OLD 3C ROAD
GALENA, OHIO 43021

AREA COMMISSION

DANIEL MILLER - CHAIR
CLINTONVILLE AREA COM.
87 TORRENCE ROAD
COLUMBUS, OHIO 43214

SURROUNDING PROPERTY OWNERS

METRO CLINTONVILLE III, LLC
CONTINENTAL REAL ESTATE
150 EAST BROAD STREET
COLUMBUS, OHIO 43215

OHIO FAMILY OF GENERAL
PRACTICE PHYSICIANS
4075 NORTH HIGH STREET
COLUMBUS, OHIO 43214

OHIO HIGH SCHOOL ATHLETIC
ASSOCIATION
4080 ROSELEA PLACE
COLUMBUS, OHIO 43214

CITY OF COLUMBUS REAL
ESTATE MANAGEMENT
90 WEST BROAD STREET
COLUMBUS, OHIO 43215

ADVOCACY AND PROTECTIVE
SERVICES, INC.
3200 RIVERSIDE DRIVE
UPPER ARLINGTON, OHIO 43221

FIFTH THIRD BANK
MD 10ATA1 CORP FAC
38 FOUNTAIN SQUARE PLAZA
CINCINNATI, OHIO 45263

OVERBROOK PRESBYTERIAN
CHURCH
4131 NORTH HIGH STREET
COLUMBUS, OHIO 43214

OHIO ECOLOGICAL FOOD AND
FARM ASSOCIATION
41 CROSWELL ROAD
COLUMBUS, OHIO 43214

CV14-040



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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # CV14-040

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] RICHARD ALAN SICKER

Of [COMPLETE ADDRESS] RAS CIVIL ENGINEERING, 4254 TULLER RD, DUBLIN, OH 43017
deposes and states that [he/she] is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following formats

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. <u>A-Z Investment Properties, Ltd.</u> <u>3790 SOUTH OLD SC ROAD</u> <u>GALENA, OHIO 43021</u> <u>PHILIP E. Absi (740) 965-3790</u>	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Richard Alan Sicker

Subscribed to me in my presence and before me this 28TH day of JULY, in the year 2014

SIGNATURE OF NOTARY PUBLIC

Victor M. Lopez

My Commission Expires:

12-25-2014



Victor M. Lopez
Notary Public, State of Ohio
My Commission Expires 12-25-2018

This Project Disclosure Statement expires six months after date of notarization.

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RAS Civil Engineering, LLC**Legal Description**

4254 Tuller Road ♦ Dublin ♦ Ohio ♦ 43017

614-581-8504 ♦ www.RASCivilEngineering.com**EXHIBIT 'A'**

Situated in the County of Franklin, State of Ohio, City of Columbus, being part of Lot 5 in the Second Quarter of the First Township in the 18th Range of the United States Military Lands, containing 1.274 acres, and part of the tract conveyed to Ray Sims et. al. by deed of record in Deed Book 1803, Page 235, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin found in the westerly line of North High Street at its intersection with the southerly line of said Ray Sims, et. al. tract (being the southwest corner of a 45-foot strip conveyed to the City of Columbus by deed of record in Deed Book 1882, Page 301, Recorder's Office, Franklin County, Ohio);

Thence along the south line of the said Ray Sims et. al. tract, North 87° 35' 30" West, 260 feet to an iron pin;

Thence North 07° 15' 40" West, 187.26 feet to an iron pin in the south line of Croswell Road, as accepted, dedicated, and named by Ordinance No. 105-46 of the Council of the City of Columbus, Ohio.

Thence along the arc of the curve of the south line of Croswell Road (radius = 427.52 feet, sub-delta = 16° 12'), the chord of which bears North 75° 03' 20" East, 120.46 feet to an iron pin at the point of tangency of said curve;

Continuing along the southerly line of said Croswell Road, North 66° 57' 20" East, 116.36 feet to an iron pin at the intersection of said southerly line with the west line of the said 45-foot strip conveyed to the City of Columbus (being the westerly line of North High Street);

Thence along the westerly line of said North High Street (being the westerly line of said 45-foot strip conveyed to the City of Columbus) South 12° 22' East, 279.82 feet to the place of beginning, containing 1.274 acres, more or less.

Subject to all legal highways, conditions, restrictions, and easements of record, if any, and all taxes and assessments from the date hereof.



City of Columbus Zoning Plat



CV14-040

ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010071204

Zoning Number: 4109

Street Name: N HIGH ST

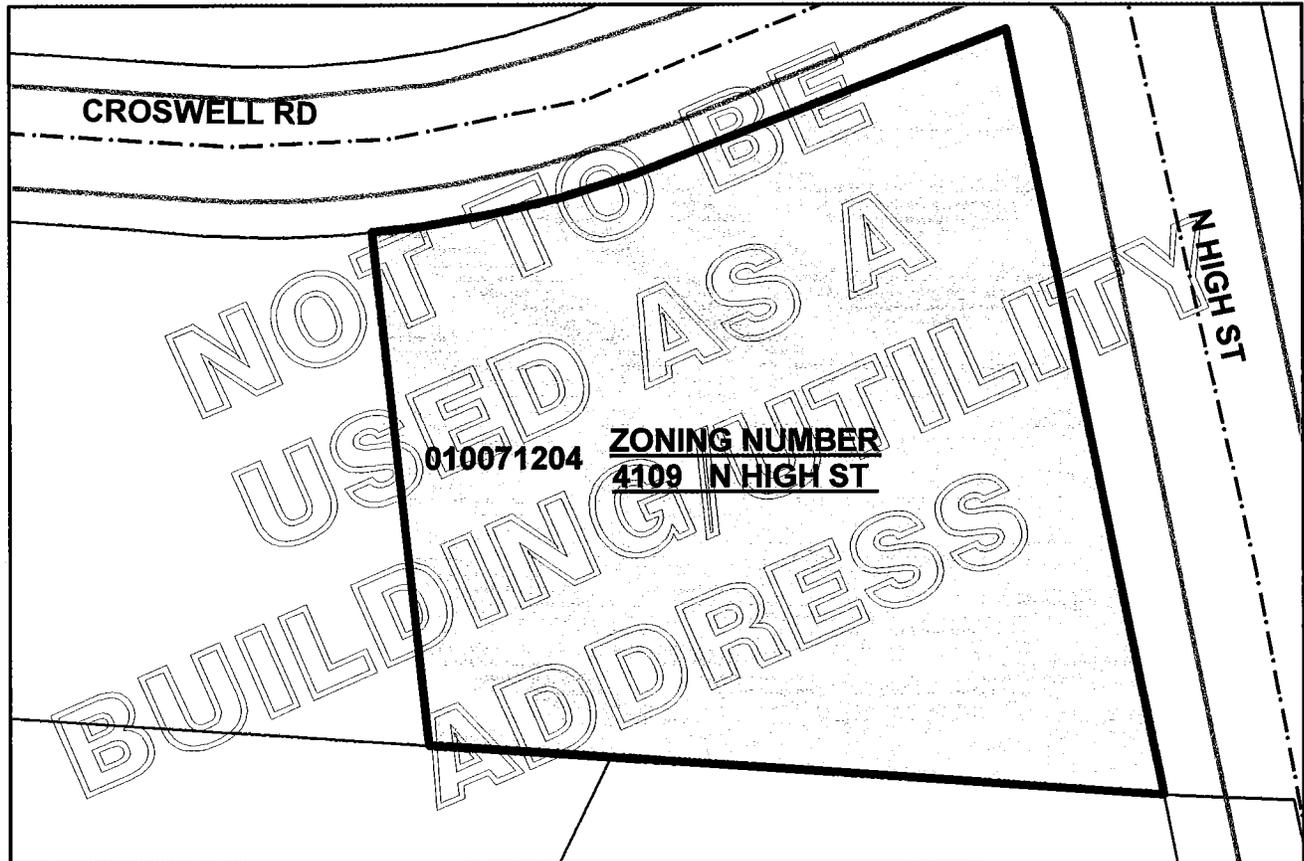
Lot Number N/A

Subdivision: N/A

Requested By: A-Z INVESTMENT PROPERTIES, LTD (PHILIP E. ABSI)

Issued By: *Patricia Austin*

Date: 2/28/2014

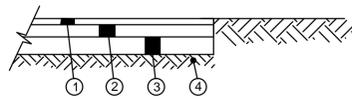


SCALE: 1 inch = 67 feet



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

GIS FILE NUMBER: 18023



- ① 1 1/2" HOT - MIXED, HOT LAID ASPHALT CONCRETE (85-100) ITEM 404.
- ② 1 1/2" HOT - MIXED, HOT LAID ASPHALT CONCRETE (85-100) ITEM 402.
- ③ 8" AGGREGATE BASE, ITEM 304
- ④ SUBGRADE COMPACTION, ITEM 204

STANDARD PAVEMENT DETAIL
NO SCALE

ZONED ORIG
02/27/1928
R-3, H-35

$\Delta = 16^{\circ}12'00''$
 $R = 427.52'$
 $N75^{\circ}03'20''E$
 $120.46'$

ZONED ORIG
02/27/1928
C-4, H-35

ZONED ORIG
02/27/1928
C-4, H-35

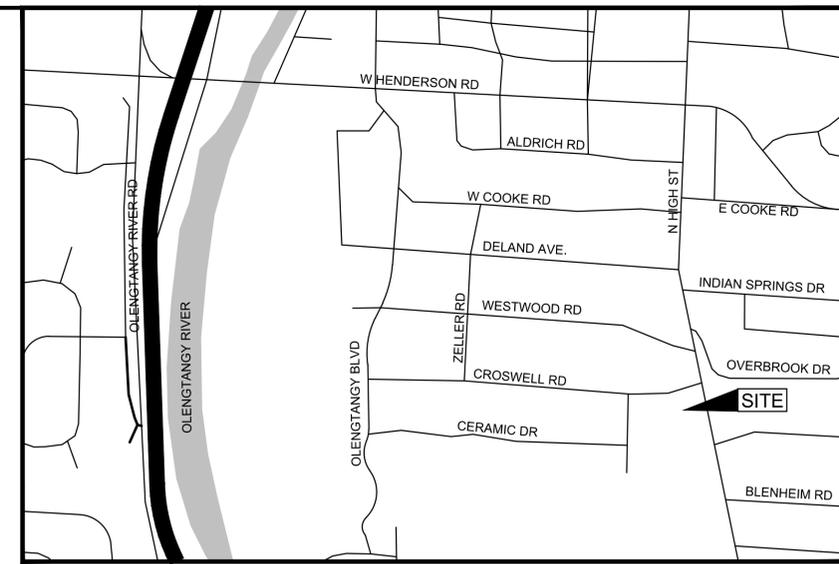
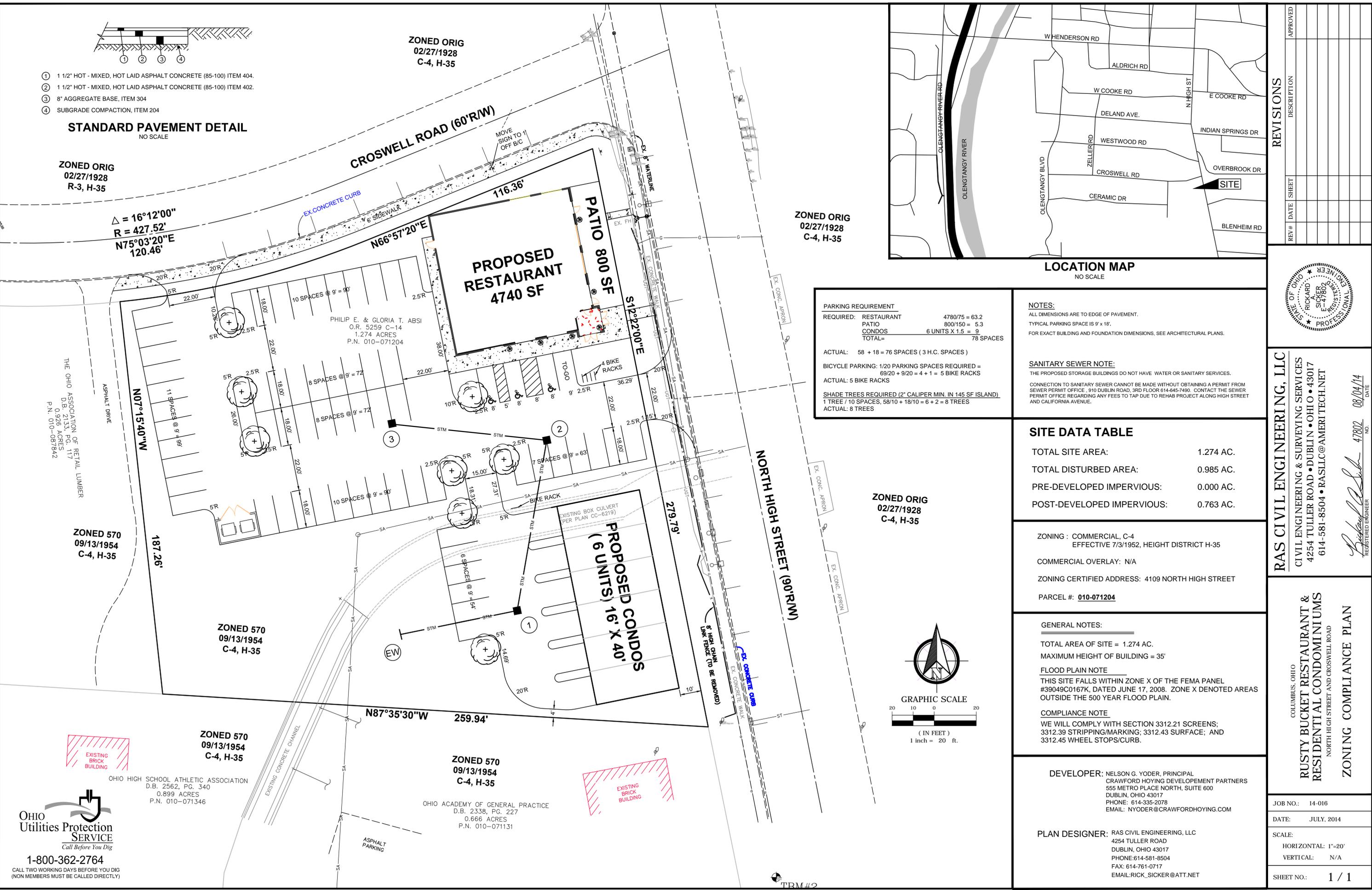
ZONED ORIG
02/27/1928
C-4, H-35

THE OHIO ASSOCIATION OF RETAIL LUMBER
D.B. 2133, PG. 117
0.928 ACRES
P.N. 010-087842

ZONED 570
09/13/1954
C-4, H-35

OHIO ACADEMY OF GENERAL PRACTICE
D.B. 2338, PG. 227
0.666 ACRES
P.N. 010-071131

OHIO Utilities Protection SERVICE
Call Before You Dig
1-800-362-2764
CALL TWO WORKING DAYS BEFORE YOU DIG
(NON MEMBERS MUST BE CALLED DIRECTLY)



LOCATION MAP
NO SCALE

PARKING REQUIREMENT

REQUIRED: RESTAURANT	4780/75 = 63.2
PATIO	800/150 = 5.3
CONDOS	6 UNITS X 1.5 = 9
TOTAL=	78 SPACES

ACTUAL: 58 + 18 = 76 SPACES (3 H.C. SPACES)

BICYCLE PARKING: 1/20 PARKING SPACES REQUIRED = 69/20 + 9/20 = 4 + 1 = 5 BIKE RACKS
ACTUAL: 5 BIKE RACKS

SHADE TREES REQUIRED (2' CALIPER MIN. IN 145 SF ISLAND)
1 TREE / 10 SPACES, 58/10 + 18/10 = 6 + 2 = 8 TREES
ACTUAL: 8 TREES

NOTES:
ALL DIMENSIONS ARE TO EDGE OF PAVEMENT.
TYPICAL PARKING SPACE IS 9' X 18'.
FOR EXACT BUILDING AND FOUNDATION DIMENSIONS, SEE ARCHITECTURAL PLANS.

SANITARY SEWER NOTE:
THE PROPOSED STORAGE BUILDINGS DO NOT HAVE WATER OR SANITARY SERVICES.
CONNECTION TO SANITARY SEWER CANNOT BE MADE WITHOUT OBTAINING A PERMIT FROM SEWER PERMIT OFFICE, 910 DUBLIN ROAD, 3RD FLOOR 614-645-7490. CONTACT THE SEWER PERMIT OFFICE REGARDING ANY FEES TO TAP DUE TO REHAB PROJECT ALONG HIGH STREET AND CALIFORNIA AVENUE.

SITE DATA TABLE

TOTAL SITE AREA:	1.274 AC.
TOTAL DISTURBED AREA:	0.985 AC.
PRE-DEVELOPED IMPERVIOUS:	0.000 AC.
POST-DEVELOPED IMPERVIOUS:	0.763 AC.

ZONING : COMMERCIAL, C-4
EFFECTIVE 7/3/1952, HEIGHT DISTRICT H-35

COMMERCIAL OVERLAY: N/A

ZONING CERTIFIED ADDRESS: 4109 NORTH HIGH STREET

PARCEL #: **010-071204**

GENERAL NOTES:
TOTAL AREA OF SITE = 1.274 AC.
MAXIMUM HEIGHT OF BUILDING = 35'

FLOOD PLAIN NOTE
THIS SITE FALLS WITHIN ZONE X OF THE FEMA PANEL #39049C0167K, DATED JUNE 17, 2008. ZONE X DENOTES AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN.

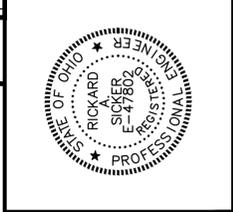
COMPLIANCE NOTE
WE WILL COMPLY WITH SECTION 3312.21 SCREENS: 3312.39 STRIPPING/MARKING; 3312.43 SURFACE; AND 3312.45 WHEEL STOPS/CURB.

DEVELOPER: NELSON G. YODER, PRINCIPAL
CRAWFORD HOYING DEVELOPMENT PARTNERS
555 METRO PLACE NORTH, SUITE 600
DUBLIN, OHIO 43017
PHONE: 614-335-2078
EMAIL: NYODER@CRAWFORDHOYING.COM

PLAN DESIGNER: RAS CIVIL ENGINEERING, LLC
4254 TULLER ROAD
DUBLIN, OHIO 43017
PHONE: 614-581-8504
FAX: 614-761-0717
EMAIL: RICK_SICKER@ATT.NET

REVISIONS

REV#	DATE	SHEET	DESCRIPTION	APPROVED



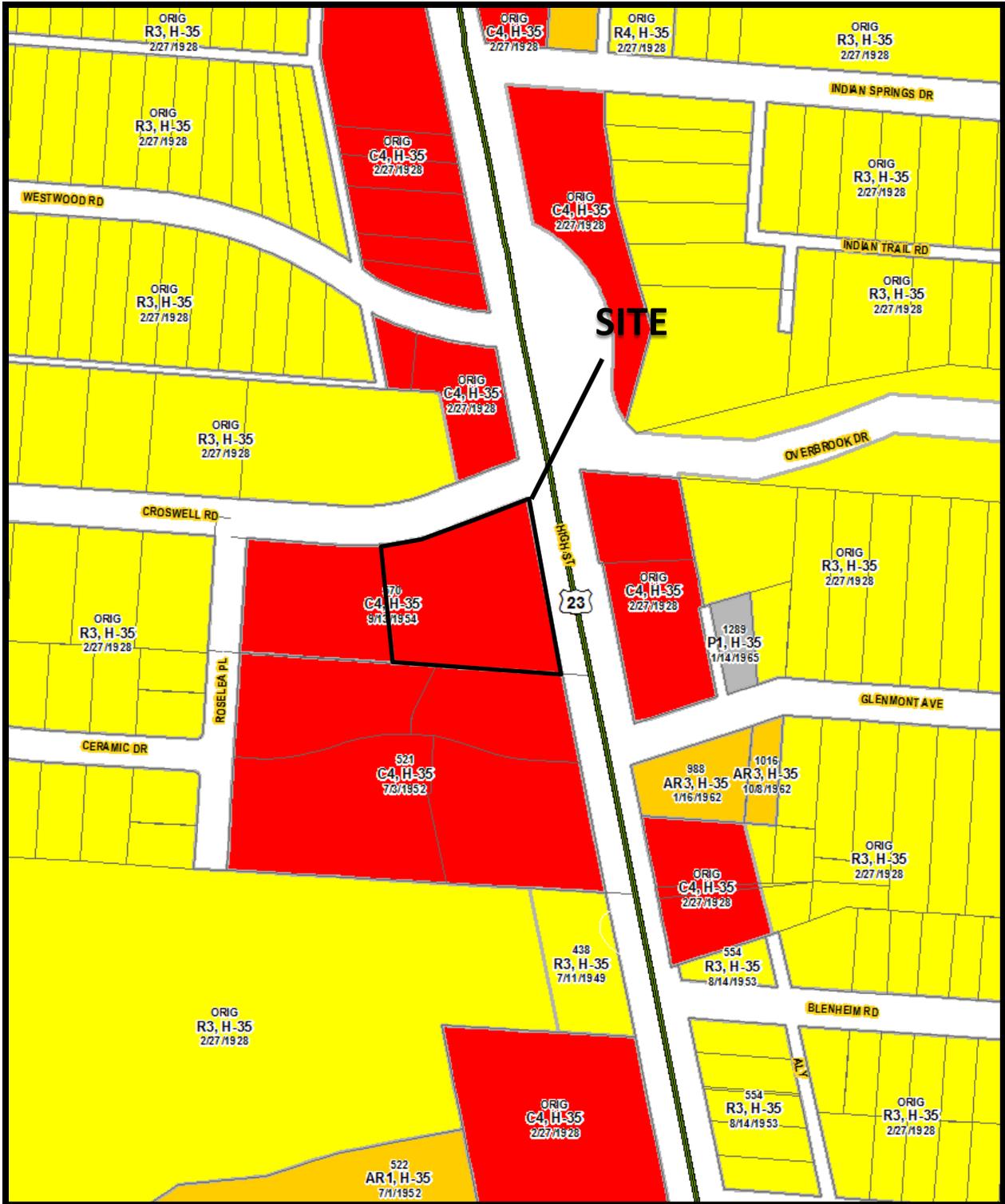
RAS CIVIL ENGINEERING, LLC
CIVIL ENGINEERING & SURVEYING SERVICES
4254 TULLER ROAD • DUBLIN • OHIO • 43017
614-581-8504 • RASLLC@AMERITECH.NET

Rickard Sicker
REGISTERED ENGINEER NO. 47802 08/04/14 DATE

COLUMBUS, OHIO
RUSTY BUCKET RESTAURANT & RESIDENTIAL CONDOMINIUMS
NORTH HIGH STREET AND CROSWELL ROAD

ZONING COMPLIANCE PLAN

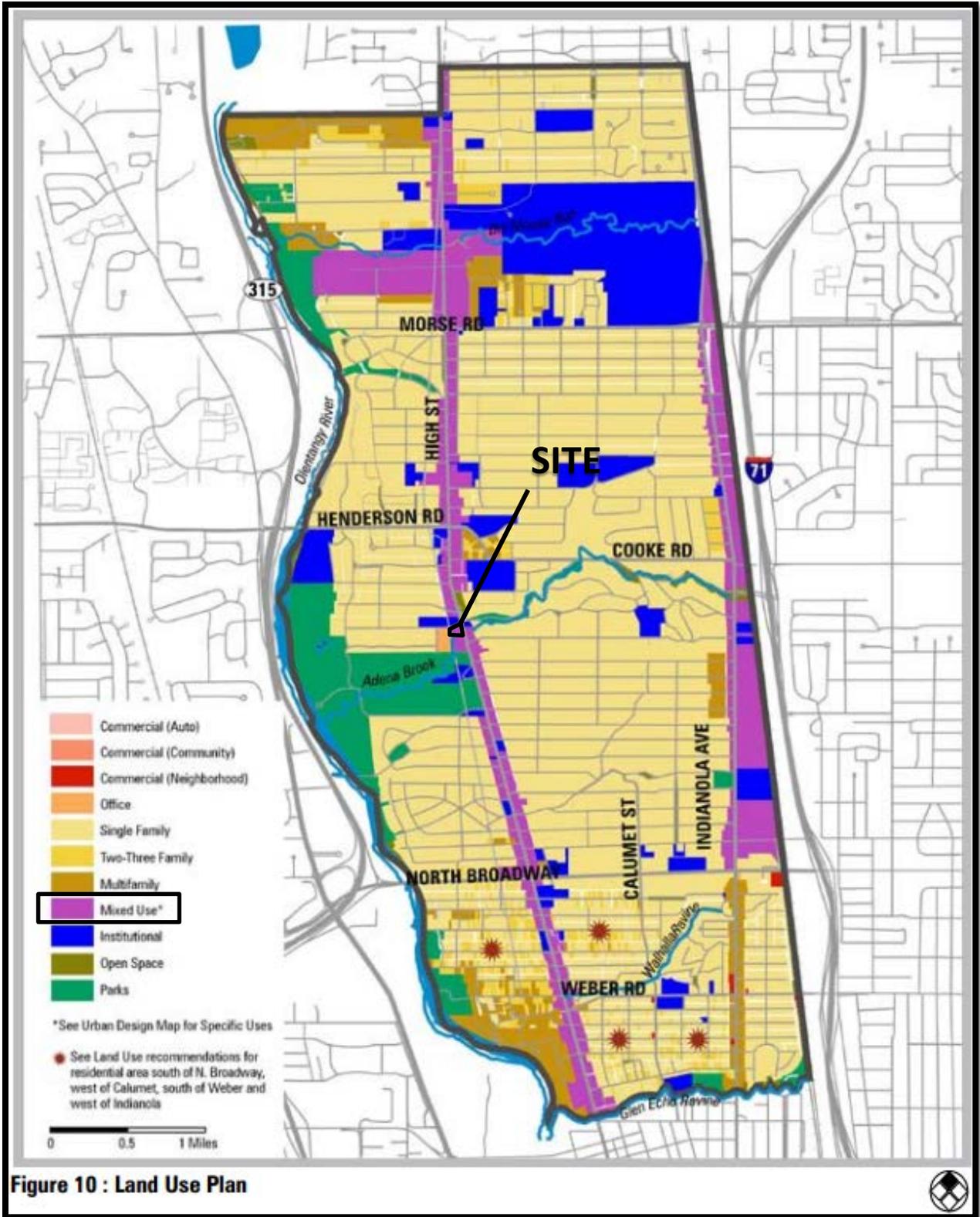
JOB NO.:	14-016
DATE:	JULY, 2014
SCALE:	HORIZONTAL: 1"=20' VERTICAL: N/A
SHEET NO.:	1 / 1



CV14-040
 4109 North High Street
 Approximately 1.27 acres



CV14-040
4109 North High Street
Approximately 1.27 acres



CV14-040
 4109 North High Street
 Clintonville Neighborhood Plan (2009)